

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
v.)
) Cr. No. 99-00235-001
)
RANDALL KEITH MIDKIFF, JR.)

Defendant.

ORDER

Offender initially appeared before the Court on February 21, 2001, on a charge of Bank Robbery, in violation of 18 U.S.C. § 2113(a) in CR 99-00235-001 and two counts of Bank Robbery, in violation of 18 U.S.C. § 2113(a) in CR 00-00187-001. The offender was sentenced to the custody of the Bureau of Prisons for a term of 50 months in CR 99-00235-001 and 50 months as to each of Counts one and two in CR 00-00187-001; said terms were to run concurrently with each other and with the custody sentence imposed in CR 99-00235-001. The custody sentence was to be followed by a three-year term of supervised release as to CR 99-00235-001 and three years as to each of Counts one and two in CR 00-00235-001; said terms were to run concurrently. The Court imposed the following special conditions: the offender was to participate in a program of testing and treatment for drug and/or alcohol abuse, as directed by the Probation Office; participate in a program of mental health treatment and/or counseling, as directed by the Probation Office; and the offender was to

make restitution in the total amount of \$6,426.23 in CR 99-00235-001 and \$15,593.79 in CR 00-00187-001. The offender was ordered to make restitution payments in minimum monthly installments of \$25; and the Court further ordered that no interest was to accrue on this indebtedness. The standard financial conditions were also imposed. A \$100 special monetary assessment was imposed as to each count, for a total SMA of \$300.

During the term of supervised release, which began on August 8, 2003, the offender again committed the offense of bank robbery in Mississippi. A Petition for Warrant or Summons for Offender Under Supervision was prepared and approved by the Court in the Southern District of Alabama on March 18, 2004; however, authorities in Mississippi failed to notify the U.S. Marshal in a timely fashion so that the offender could be brought to the Southern District of Alabama for revocation purposes prior to him being sentenced in the Mississippi bank robbery and moved to FCI Beaumont, Texas, where he is serving his custody sentence on said bank robbery.

In that the maximum statutory time the offender would have received at revocation was 24 months and due to the fact that he received a 74-month sentence on the new bank robbery, the Probation Officer is requesting that the Court dismiss the outstanding petition in the Southern District of Alabama.

As the offender is presently serving a 74-month custody sentence on

**the Mississippi bank robbery and the ends of justice are being served, the
Court DISMISSES the revocation petition that was filed on March 18,
2004.**

DONE, this the 18th day of April, 2005.

**s/CHARLES R. BUTLER, JR.
SENIOR U.S. DISTRICT JUDGE**